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April 3, 2022

VIA ECF

The Honorable Margo K. Brodie  
Chief United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Ng Chong Hwa a.k.a. Roger Ng, 18 Cr. 538 (MKB)

Dear Chief Judge Brodie:

Four days after the jury charge conference, and the night before closing arguments, the government submitted a letter requesting yet another change to the Court's final jury instructions. See Dkt. 194. The defense objects to the government's belated letter, which does nothing to improve the Court's venue instruction.

Indeed, the Court's instruction already covers the topic addressed by the government's proposed change, making the government's proposed change superfluous and repetitive. The Court's instruction makes clear that venue is appropriate "so long as some act in furtherance of the crime took place in this district." The Court's instruction does not indicate that the action taken must be taken by a co-conspirator, and so the government's purported concern has already been dealt with.

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Accordingly, the government's last-minute proposed change does nothing to add to the venue instruction, and the defense respectfully requests that the Court reject the proposal.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'MA Agnifilo', written in a cursive style.

Marc A. Agnifilo, Esq.

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Jacob Kaplan, Esq.

cc: Counsel for the government (via ECF)